

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 142

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

THURSDAY, 14 APRIL 2011

1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Skilled Local Jobs – Mr F.M. Logan presented a petition from 1,452 persons requesting that a greater share of skilled engineering and fabrication work for major resources projects is performed in Western Australia (P. 393).

Yanchep Skybridge – Mr J.R. Quigley presented a petition from 316 persons requesting that the community consultation process initiated by the City of Wanneroo regarding the proposed Yanchep Skybridge be rejected (P. 394).

3. Papers

The following papers were presented and ordered to lie upon the Table of the House –

By the Clerk –

Agriculture and Food, Department of – The 2010 Genetically Modified Canola Audit Program in Western Australia (3301).

Consultants Engaged by Government – Report for the six months ended 30 June 2010 (3302).

Economic Regulation Authority – Inquiry into the Funding Arrangements of Horizon Power, Final Report (3303).

Official Travel – Report of Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business for the three months ended 30 June 2010 (3304).

Premier and Cabinet, Department of – Report on Ministerial Resourcing as at 31 March 2011 (3305).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the status of the Toodyay Financial Assistance Scheme.

The Minister for Police on the Criminal Investigation (Identifying People) Amendment Bill 2011, which deals with the matching rules for DNA profiles.

The Minister for Citizenship and Multicultural Interests on the first consultation with culturally and linguistically diverse communities for 2011, in the Shire of Katanning.

5. Grievances

The Speaker called for grievances which were then made.

6. Public Accounts Committee

Mr J.C. Kobelke, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Public Accounts Committee – Review of the Reports of the Auditor General 2009–2010 (3306).

Mr J.C. Kobelke spoke on the report.

7. Economics and Industry Standing Committee – Extension of Reporting Date

The Leader of the House, pursuant to notice, moved,

That the date by which the Economics and Industry Standing Committee is required to report to the House on its consideration of the Franchising Bill 2010 be extended to 23 June 2011.

Debate ensued.

Question put and passed.

8. Building Bill 2010

The Order of the Day for the third reading of the bill having been read, the Leader of the House, on behalf of the Minister for Transport, moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

9. Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the a later stage of the sitting.

10. Road Traffic Legislation Amendment (Information) Bill 2010

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the a later stage of the sitting.

11. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 7, 4, 5 and 6 be next considered.

12. Criminal Investigation (Identifying People) Amendment Bill 2011

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister for Police moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

13. Police Amendment Bill 2010

The Order of the Day for the consideration in detail of Legislative Council Message No. 136 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Police Amendment Bill 2010* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Police Amendment Bill 2010

No. 1

Page 6, after line 10 — To insert —

- (4) If the Commissioner decides to charge a person for providing police services for an event, that person may apply to the State Administrative Tribunal for a review of the decision on the ground that what the person is promoting or organising is not an event as defined in section 39E.

No. 2

Page 9, after line 26 — To insert —

39N. Review of Part IVB

- (1) In this section —

commencement day means the day on which the *Police Amendment Act 2011* section 4 comes into operation.

- (2) The Minister is to carry out a review of the operation and effectiveness of this Part as soon as is practicable after the expiration of 36 months after the commencement day, and in the course of that review the Minister is to consider and have regard to —
 - (a) the effectiveness of this Part; and
 - (b) the need for the retention of this Part; and
 - (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Part.

- (3) The Minister is to prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

CONSIDERATION IN DETAIL

The Minister for Police moved, That amendment Nos 1 and 2 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

14. Criminal Code Amendment (Infringement Notices) Bill 2010

The Order of the Day for the consideration in detail of Legislative Council Message No. 139 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Criminal Code Amendment (Infringement Notices) Bill 2010* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in Criminal Code Amendment (Infringement Notices) Bill 2010

No. 1

Page 4, after line 3 — To insert —

723. Monitoring of Chapter by Ombudsman

- (1) For the period of 12 months after the commencement of this section, the Ombudsman is to keep under scrutiny the operation of the provisions of this Chapter and the regulations made under this Chapter and the *Criminal Investigation (Identifying People) Act 2002* Part 7 and section 67.
- (2) The scrutiny referred to in subsection (1) is to include review of the impact of the operation of the provisions referred to in that subsection on Aboriginal and Torres Strait Islander communities.
- (3) For that purpose, the Ombudsman may require the Commissioner of Police or any public authority to provide information about police or the public authority's participation in the operation of the provisions referred to in subsection (1).
- (4) The Ombudsman must, as soon as practicable after the expiration of that 12 month period, prepare a report on the Ombudsman's work and activities under this section and furnish a copy of the report to the Minister for Police and the Commissioner of Police.
- (5) The Ombudsman may identify, and include recommendations in the report to be considered by the Minister about, amendments that might appropriately be made to this Act with respect to the operation of the provisions referred to in subsection (1).
- (6) The Minister is to lay (or cause to be laid) a copy of the report furnished to the Minister under this section before both Houses of Parliament as soon as practicable after the Minister receives the report.

CONSIDERATION IN DETAIL

The Minister for Police moved, That amendment No. 1 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

15. Members' Statements

The Acting Speaker called for members' statements which were then made.

16. Questions

Questions without Notice were taken.

Questions on Notice Nos 5160 to 5293 were asked.

Questions on Notice Nos 4756, 4759, 4760, 4764 to 4781, 4787, 4789, 4792, 4793, 4805, 4813, 4819, 4821, 4825 to 4830, 4836, 4847, 4849 to 4851 and 4910 were answered.

Papers tabled by the Minister for Education –

Question on Notice No. 4756 – Voluntary contributions, in dollars, collected by each government primary school for 2009 and 2010 (3307).

Question on Notice No. 4787 – Voluntary contributions, in dollar and percentage values, collected by each secondary school for 2010 (3308).

17. Speaker's Statement – Appreciation from the New Zealand House of Representatives

The Speaker advised members that he had received a letter from the Speaker of the New Zealand House of Representatives expressing gratitude for the condolence motion moved in the Legislative Assembly on 15 March 2011, for Australia's support and assistance in the aftermath of the 22 February 2011 earthquake in Christchurch and particularly the role played by Western Australia Police in the rescue and recovery operation.

18. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 6, 3, 8, 10 and 9 be next considered.

19. Criminal Investigation Amendment Bill 2010

The Order of the Day for the consideration in detail of Legislative Council Message No. 140 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Criminal Investigation Amendment Bill 2010* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in Criminal Investigation Amendment Bill 2010

No. 1

Page 2, lines 12 to 19 — To delete the lines and insert —

(a) in item 4 delete “Doctor” and insert:

Doctor, or a qualified person who is a nurse, midwife or other prescribed person

- (b) in item 6 delete “Doctor” and insert:

Doctor, or a qualified person who is a nurse, midwife or other prescribed person

No. 2

Page 2, after line 9 — To insert —

4A. Section 73 amended

In section 73 insert in alphabetical order:

midwife means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* whose name is entered on the Register of Midwives kept under that Law;

CONSIDERATION IN DETAIL

The Minister for Police moved, That amendment Nos 1 and 2 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

20. Road Traffic Legislation Amendment (Information) Bill 2010

The Order of the Day for the consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clauses 1 to 5 agreed to.

Clause 6.

The Minister for Transport moved,

Page 10, after line 29 — To insert:

“

- (3) A person —

(a) to whom information is disclosed under subsection (2); or

(b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the authorised purpose for which it was disclosed.

Penalty: a fine of 100 PU or imprisonment for 12 months.

”.

Amendment put and passed.

The Minister for Transport moved,

Page 11, after line 16 — To insert:

“

- (3) A person —

- (a) to whom information is disclosed under subsection (2); or
- (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the road safety purpose for which it was disclosed.

Penalty: a fine of 100 PU or imprisonment for 12 months.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 7 to 9 agreed to.

Clause 10.

Mrs M.H. Roberts moved,

Page 15, line 12 — To delete “must” and insert:

“ may ”.

Page 15, after line 15 — To insert after “written law” —

“

, if the Director General is satisfied that there is compelling reason in the public interest for disclosure of the photographs

”.

Amendments put and negatived.

Clause agreed to.

Clauses 11 to 20 agreed to.

Clause 21.

The Minister for Transport moved,

Page 26, after line 1 — To insert:

“

(3) A person —

- (a) to whom information is disclosed under subsection (2); or
- (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the authorised purpose for which it was disclosed.

Penalty: a fine of 100 PU or imprisonment for 12 months.

”.

Amendment put and passed.

The Minister for Transport moved,

Page 26, after line 16 — To insert:

“

(3) A person —

- (a) to whom information is disclosed under subsection (2); or
- (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the road safety purpose for which it was disclosed.

Penalty: a fine of 100 PU or imprisonment for 12 months.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 22 to 27 agreed to.

Title agreed to.

Consideration in detail concluded.

Ordered, That the third reading of the bill be made an Order of the Day for the next sitting of the Assembly.

21. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 10 and 9 be next considered.

22. Charitable Trusts Amendment Bill 2010

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

The Leader of the House, on behalf of the Attorney General, moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

23. Hope Valley-Wattleup Redevelopment Amendment Bill 2010

Message No. 147 dated 14 April 2011 from the Legislative Council was reported agreeing to the bill without amendment.

24. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 8 be next considered.

25. Juries Legislation Amendment Bill 2010

The Order of the Day for the consideration in detail of Legislative Council Message No. 144 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Juries Legislation Amendment Bill 2010* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Juries Legislation Amendment Bill 2010

No. 1

Page 28, after line 14 — To insert —

- (c) the Clerk of the Legislative Council, Clerk of the Legislative Assembly,
Deputy Clerk of the Legislative Council, Deputy Clerk of the Legislative

Assembly, Clerk Assistant, Usher of the Black Rod or Sergeant-at-Arms of the Parliament of Western Australia.

No. 2

Page 28, line 18 — To insert after “Court” —

or an associate to any such officer

No. 3

Page 28, line 20 — To insert after “Court” —

or an associate to any such officer

No. 4

Page 28, line 22 — To delete “magistrate or registrar” and insert —

magistrate, registrar or judicial support officer

No. 5

Page 28, lines 23 and 24 — To delete the lines and insert —

- (e) a judge, magistrate, registrar or judicial support officer of the Children’s Court or an associate to a judge of the Court;

No. 6

Page 29, lines 3 to 6 — To delete the lines.

No. 7

Page 29, lines 9 and 10 — To delete the lines and insert —

3. Australian legal practitioners

A person who is an Australian legal practitioner.

No. 8

Page 29, lines 12 to 33 — To delete the lines.

CONSIDERATION IN DETAIL

The Minister for Police moved, That amendment Nos 1 to 8 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

26. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 17 May 2011 at 2.00 p.m.

Question put and passed.

27. Adjournment

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 4.12 p.m. until Tuesday, 17 May 2011 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Dr E. Constable, Mr J.H.D. Day, Mr D.T. Redman and Mr M.P. Whitely.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly